

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS

FILED

EL PASO DIVISION

OCT 06 2005

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY MA Rodriguez
DEPUTY CLERK

ROQUE TERCERO-ARANDA,
PLAINTIFF,

VS.

GOVERNMENT OF MEXICO, et al,
DEFENDANTS.

EP-05-CA-295-KC

28 U.S.C. § 1350

ALIEN TORT CLAIMS ACT

NOTICE OF APPEAL

THIS IS 28 U.S.C. § 1350 BROUGHT BY AN ALIEN TEXAS PRISONER SUBJECT TO TWO (2) IMMIGRATION DETAINERS, ALONG WITH AN OUTSTANDING WARRANT OF DEPORTATION WHO IS FIGHTING DEPORTATION PURSUANT TO THE CONVENTION AGAINST TORTURE "CAT" CLAIM PROTECTION. HOWEVER, PLAINTIFF NOW CHALLENGES THE DISTRICT COURT'S DISMISSAL AND THE ERRONEOUS AND/OR ARBITRARY AND CAPRICIOUS CONSTRUCTION, BECAUSE PLAINTIFF BROUGHT A § 1350 AND CERTAINLY NOT A 42 U.S.C. § 1983, BECAUSE THE DISTRICT COURT WILL NOT HAVE PERSONAL JURISDICTION OR SUBJECT MATTER OVER THE PARTIES, IF IT WERE A § 1983. FURTHERMORE, THAT THIS CAUSE WASN'T A 28 U.S.C. § 1346 EITHER AND THAT A 28 U.S.C. § 1915(g) DOES NOT APPLY.

EXECUTED ON SEPTEMBER 29, 2005.

Respectfully submitted,

[CC: FILED]

ENCLOSED (IFP) APPLICATION ON APPEAL

14. Roque Tercero Aranda
Alien # A 27 116 578